

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SHIPCO TRANSPORT INC.

Plaintiff,

-against-

Case No.: 09 CIV 7532(CM)  
ECF CASE

**AFFIDAVIT OF CARLOS RODRIGUEZ**  
**RE ATTORNEY FEES AND EXPENSES**  
**INCURRED BY PLAINTIFF SHIPCO**  
**TRANSPORT INC.**

JDB INTERNATIONAL, INC.  
and

LAPTON FREIGHT INTERNATIONAL, Inc.

Defendants.  
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I, Carlos Rodriguez, being first duly sworn, say and depose under oath as follows:

I am an attorney and senior partner in the law firm Rodriguez O'Donnell Gonzalez & Williams, P.C., a Washington D.C. maritime law firm. Shipco Transport, Inc. (Shipco), plaintiff in this action, is our client, and we have represented Shipco throughout the case, known as *Shipco Transport Inc. v. JDB International, Inc.*

I am responsible for approving billings sent to Shipco and for the custody of records in the attached accounts referred to herein as Exhibit 1 and 2. All amounts described in the Excel sheets and accounts attached as attorney fees and expenses have been billed to Shipco, and payments were made by the client as indicated on the attached sheets between August 3, 2007 and July 2, 2009 (Matter no. 704) and August 2, 2009 and July 6, 2011 (Matter No. 906). Our law firm changed the matter number from 704 to 906 from on or about the beginning of litigation in August 2009. Both matters relate to the

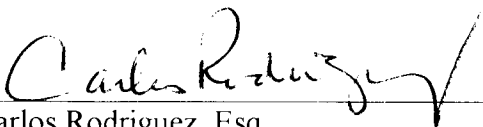
same case for our client involving shipments from Long Beach, California to Yantian, China. Additional fees and expenses may be incurred after the latter date.

The total amount charged to Shipco as attorney fees for Matter Nos. 704 and 906, both pertaining to the shipments at issue in this case, was: \$135,062.50, and expenses were \$4,904.50 during that period.

I hereby verify that the records of Shipco's accounts with our firm, attached hereto as Exhibits 1 and 2 are true and accurate copies of the original documents in our firm's billing records. The attorney's fees and expenses charged by our firm to Shipco in this account are all directly related to collection of freight charges, including demurrage, from defendants, JDB International, Inc.

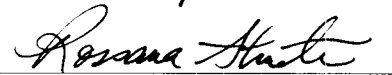
Affiant swears under oath that the foregoing statement is true to the best of his knowledge, information and belief.

Dated: September 20<sup>th</sup>, 2011  
Washington, D.C.

  
Carlos Rodriguez, Esq  
Rodriguez O'Donnell Gonzalez & Williams, P.C.  
1250 Connecticut Ave., NW, Suite 200  
Washington, DC 20036  
Phone No. 202-973-2990;  
Fax No. 202-293-3307

Sworn to before me this 20<sup>th</sup>

Day of Sept. 2011

  
Notary Public

**ROSSANA STREETER**  
NOTARY PUBLIC STATE OF MARYLAND  
County of Montgomery  
My Commission Expires March 13, 2013

## **EXHIBIT 1**

Inquiry: Fees - Recap  
 Client: SPTW - Shipco Transport, Inc.  
 Matter: 704 - Unclaimed Containers - China

Timekeeper: All Timekeepers

User: RLS

	Month to Date		Year to Date		Inception to Date	
	Amount	r%	Amount	r%	Amount	r%
Hours worked	0.00		0.00		148.98	
Amount worked	0.00		0.00		32,094.50	
Mark-up/down	0.00		0.00		-4,786.00	
Billed	0.00		0.00		27,308.50	85.09
A/R write-off	0.00		0.00		0.00	
Received	0.00		0.00		27,308.50	100.00
Unbilled total	0.00		A/R total		0.00	

Inquiry: Expenses - Recap

Client: SPTW - Shipco Transport, Inc.

Matter: 704 - Unclaimed Containers - China

Expense Code: All Expenses

User: RLS

	Month to Date		Year to Date		Inception to Date	
	Amount	rl%	Amount	rl%	Amount	rl%
Incurred	0.00		0.00		848.41	
Mark-up/down	0.00		0.00		0.00	
Billed	0.00		0.00		848.41	100.00
A/R write-off	0.00		0.00		0.00	
Received	0.00		0.00		848.41	100.00
Unbilled total	0.00		A/R total		0.00	

Inquiry: General - Ledger History  
 Client: SPTW - Shipco Transport, Inc.  
 Matter: 704 - Unclaimed Containers - China

User: PCD

	Type	Bill	Date	Cash / PPD	Fees	Expenses	Surchg/Tax/Int	A/R Balance
1	Bill	32344	04/03/200	0.00	6,125.00	48.45	0.00	6,173.45
2	Bill	32584	05/03/200	0.00	3,600.00	26.56	0.00	9,800.01
3	Cash	32344	05/09/200	6,173.45	6,125.00	48.45	0.00	3,626.56
4	Cash	32584	06/04/200	3,626.56	3,600.00	26.56	0.00	0.00
5	Bill	33151	06/05/200	0.00	474.00	0.00	0.00	474.00
6	Cash	33151	07/02/200	474.00	474.00	0.00	0.00	0.00
7	Bill	34175	09/26/200	0.00	1,024.00	0.00	0.00	1,024.00
8	Bill	34176	09/27/200	0.00	0.00	0.00	0.00	1,024.00
9	Cash	34175	10/09/200	1,024.00	1,024.00	0.00	0.00	0.00
10	Cash	34176	10/09/200	0.00	0.00	0.00	0.00	0.00
11	Bill	34618	10/31/200	0.00	0.00	0.00	0.00	0.00
12	Bill	35211	11/15/200	0.00	0.00	0.00	0.00	0.00
13	Cash	34618	12/06/200	0.00	0.00	0.00	0.00	0.00
14	Cash	35211	01/02/2008	0.00	0.00	0.00	0.00	0.00
15	Bill	35771	01/22/2008	0.00	527.50	0.00	0.00	527.50
16	Cash	35771	02/05/2008	527.50	527.50	0.00	0.00	0.00
17	Bill	36041	02/06/200	0.00	908.00	0.00	0.00	908.00
18	Bill	36361	03/05/200	0.00	732.00	201.22	0.00	1,841.22
19	Cash	36041	03/06/200	908.00	908.00	0.00	0.00	933.22
20	Cash	36361	03/24/200	933.22	732.00	201.22	0.00	0.00
21	Bill	36748	04/08/2008	0.00	1,272.00	0.00	0.00	1,272.00
22	Cash	36748	05/13/2008	1,272.00	1,272.00	0.00	0.00	0.00
23	Bill	37029	05/19/2008	0.00	230.00	0.00	0.00	230.00
24	Cash	37029	06/09/2008	230.00	230.00	0.00	0.00	0.00
25	Bill	37359	06/11/2008	0.00	0.00	69.98	0.00	69.98
26	Cash	37359	07/07/2008	69.98	0.00	69.98	0.00	0.00
27	Bill	37607	07/07/200	0.00	1,606.00	0.00	0.00	1,606.00
28	Cash	37607	08/11/200	1,606.00	1,606.00	0.00	0.00	0.00
29	Bill	37849	08/11/200	0.00	658.50	142.87	0.00	801.37
30	Cash	37849	10/07/200	801.37	658.50	142.87	0.00	0.00
31	Bill	38574	10/17/2008	0.00	364.00	0.00	0.00	364.00
32	Bill	38630	11/07/2008	0.00	1,900.00	17.91	0.00	2,281.91
33	Bill	38770	11/11/2008	0.00	2,262.00	108.68	0.00	4,652.59
34	Cash	38574	11/20/2008	364.00	364.00	0.00	0.00	4,288.59
35	Cash	38630	11/20/2008	1,917.91	1,900.00	17.91	0.00	2,370.68
36	Bill	38990	12/03/200	0.00	1,433.50	0.00	0.00	3,804.18
37	Cash	38770	01/05/200	2,370.68	2,262.00	108.68	0.00	1,433.50
38	Bill	39048	01/14/200	0.00	906.00	0.00	0.00	2,339.50
39	Cash	38990	02/06/200	1,433.50	1,433.50	0.00	0.00	906.00
40	Bill	39435	02/23/200	0.00	284.00	77.07	0.00	1,267.07
41	Cash	39048	03/03/200	906.00	906.00	0.00	0.00	361.07
42	Bill	39593	03/05/2009	0.00	1,404.00	0.00	0.00	1,765.07
43	Cash	39435	03/16/2009	361.07	284.00	77.07	0.00	1,404.00
44	Bill	39808	04/01/2009	0.00	0.00	155.67	0.00	1,559.67
45	Cash	39593	04/13/2009	1,404.00	1,404.00	0.00	0.00	155.67
46	Cash	39808	05/01/2009	155.67	0.00	155.67	0.00	0.00
47	Bill	40096	05/05/2009	0.00	1,598.00	0.00	0.00	1,598.00
48	Bill	40273	06/03/2009	0.00	0.00	0.00	0.00	1,598.00
49	Cash	40096	06/19/200	1,598.00	1,598.00	0.00	0.00	0.00
50	Cash	40273	07/02/200	0.00	0.00	0.00	0.00	0.00

## **Exhibit 2**

Inquiry Expenses - Recap  
 Client: SPTW - Shipco Transport, Inc.  
 Matter: 906 - JDB Litigation

Expense Code: All Expenses

User: RLS

	Month to Date		Year to Date		Inception to Date	
	Amount	rl%	Amount	rl%	Amount	rl%
Incurred	0.00		2,375.64		4,312.62	
Mark-up/down	0.00		0.00		0.00	
Billed	0.00		2,173.97	100.00	4,056.09	100.00
A/R write-off	0.00		0.00		0.00	
Received	0.00		2,173.97	100.00	4,056.09	100.00
Unbilled total	256.53			A/R total	0.00	

Inquiry: Fees - Recap  
 Client: SPTW - Shipco Transport, Inc.  
 Matter: 906 - JDB Litigation

Timekeeper: All Timekeepers

User: RLS

	Month to Date		Year to Date		Inception to Date	
	Amount	rl%	Amount	rl%	Amount	rl%
Hours worked	0.00		205.70		698.56	
Amount worked	0.00		41,156.50		139,961.00	
Mark-up/down	0.00		-3,900.00		-27,247.00	
Billed	0.00		44,016.50	91.86	107,754.00	79.82
A/R write-off	0.00		0.00		0.00	
Received	0.00		45,576.50	100.00	105,534.00	100.00
Unbilled total	4,960.00			A/R total	2,220.00	

Inquiry: General - Ledger History  
 Client: SPTW - Shipco Transport, Inc.  
 Matter: 906 - JDB Litigation

User: RLS

	Type	Bill	Date	Cash / PPD	Fees	Expenses	Surchg/Tax/Int	A/R Balance
1	Bill	40604	08/07/2009	0.00	2,935.50	589.22	0.00	3,524.72
2	Cash	40604	08/31/2009	3,524.72	2,935.50	589.22	0.00	0.00
3	Bill	40949	09/03/2009	0.00	3,500.00	350.00	0.00	3,850.00
4	Cash	40949	10/05/2009	3,850.00	3,500.00	350.00	0.00	0.00
5	Bill	41246	10/05/2009	0.00	963.50	149.79	0.00	1,113.29
6	Cash	41246	11/09/2009	1,113.29	963.50	149.79	0.00	0.00
7	Bill	41436	11/10/2009	0.00	170.00	33.47	0.00	203.47
8	Bill	41643	12/02/2009	0.00	1,760.00	81.02	0.00	2,044.49
9	Cash	41436	01/04/2010	203.47	170.00	33.47	0.00	1,841.02
10	Cash	41643	01/04/2010	1,841.02	1,760.00	81.02	0.00	0.00
11	Bill	41830	01/08/2010	0.00	5,388.00	0.00	0.00	5,388.00
12	Cash	41830	02/01/2010	5,388.00	5,388.00	0.00	0.00	0.00
13	Bill	42115	02/01/2010	0.00	1,499.00	30.98	0.00	1,529.98
14	Bill	42352	03/02/2010	0.00	3,345.50	31.71	0.00	4,907.19
15	Cash	42115	03/05/2010	1,529.98	1,499.00	30.98	0.00	3,377.21
16	Cash	42352	03/29/2010	3,377.21	3,345.50	31.71	0.00	0.00
17	Bill	42524	04/07/2010	0.00	5,850.00	0.00	0.00	5,850.00
18	Cash	42524	05/03/2010	5,850.00	5,850.00	0.00	0.00	0.00
19	Bill	42671	05/12/2010	0.00	4,500.00	90.31	0.00	4,590.31
20	Bill	42827	06/07/2010	0.00	2,500.00	0.00	0.00	7,090.31
21	Cash	42671	06/10/2010	4,590.31	4,500.00	90.31	0.00	2,500.00
22	Bill	43040	07/01/2010	0.00	4,122.50	0.00	0.00	6,622.50
23	Cash	42827	07/02/2010	2,500.00	2,500.00	0.00	0.00	4,122.50
24	Cash	43040	07/20/2010	4,122.50	4,122.50	0.00	0.00	0.00
25	Bill	43251	08/04/2010	0.00	3,377.50	80.76	0.00	3,458.26
26	Bill	43300	09/02/2010	0.00	9,927.50	0.00	0.00	13,385.76
27	Cash	43251	09/20/2010	3,458.26	3,377.50	80.76	0.00	9,927.50
28	Cash	43300	09/20/2010	9,927.50	9,927.50	0.00	0.00	0.00
29	Bill	43599	10/06/2010	0.00	6,718.50	0.00	0.00	6,718.50
30	Bill	43826	11/04/2010	0.00	3,400.00	444.86	0.00	10,563.36
31	Cash	43599	11/09/2010	6,718.50	6,718.50	0.00	0.00	3,844.86
32	Bill	43886	12/06/2010	0.00	3,780.00	0.00	0.00	7,624.86
33	Cash	43826	12/07/2010	3,844.86	3,400.00	444.86	0.00	3,780.00
34	Cash	43886	01/03/2011	3,780.00	3,780.00	0.00	0.00	0.00
35	Bill	44114	01/07/2011	0.00	11,720.00	8.34	0.00	11,728.34
36	Unpost	44114	01/07/2011	0.00	-11,720.00	-8.34	0.00	0.00
37	Bill	44122	01/18/2011	0.00	9,220.00	8.34	0.00	9,228.34
38	Cash	44122	02/01/2011	9,228.34	9,220.00	8.34	0.00	0.00
39	Bill	44267	02/03/2011	0.00	12,040.00	46.52	0.00	12,086.52
40	Cash	44267	02/24/2011	12,086.52	12,040.00	46.52	0.00	0.00
41	Bill	44582	03/03/2011	0.00	7,114.00	580.85	0.00	7,694.85
42	Bill	44760	04/01/2011	0.00	5,000.00	646.05	0.00	13,340.90
43	Cash	44582	04/11/2011	7,694.85	7,114.00	580.85	0.00	5,646.05
44	Cash	44760	04/25/2011	5,646.05	5,000.00	646.05	0.00	0.00
45	Bill	44976	05/02/2011	0.00	5,832.50	892.21	0.00	6,724.71
46	Cash	44976	05/26/2011	6,724.71	5,832.50	892.21	0.00	0.00
47	Bill	45201	06/04/2011	0.00	2,590.00	0.00	0.00	2,590.00
48	Bill	45336	07/01/2011	0.00	2,220.00	0.00	0.00	4,810.00
49	Cash	45201	07/06/2011	2,590.00	2,590.00	0.00	0.00	2,220.00